

Par. (2). Pub. L. 101-73, §962(e)(2)(E), (H), redesignated par. (3) as (2) and struck out former par. (2) which read as follows: “an institution with accounts insured by the Federal Savings and Loan Insurance Corporation;”.

Par. (3). Pub. L. 101-73, §962(e)(2)(H), redesignated par. (4) as (3). Former par. (3) redesignated (2).

Par. (4). Pub. L. 101-73, §962(e)(2)(F), (H), redesignated par. (5) as (4) and amended it generally. Prior to amendment, par. (4) read as follows: “a Federal land bank, Federal intermediate credit bank, bank for cooperatives, production credit association, and Federal land bank association;”. Former par. (4) redesignated (3).

Par. (5). Pub. L. 101-73, §962(e)(2)(H), redesignated par. (6) as (5). Former par. (5) redesignated (4).

Pars. (6), (7). Pub. L. 101-73, §962(e)(2)(G), (H), redesignated par. (7) as (6) and amended it generally. Prior to amendment, par. (6) read as follows: “a bank holding company as defined in section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841); or”. Former par. (6) redesignated (5).

Par. (8). Pub. L. 101-73, §962(e)(2)(E), struck out par. (8) which read as follows: “a savings and loan holding company as defined in section 408 of the National Housing Act (12 U.S.C. 1730a).”.

1986—Pub. L. 99-370 amended subsec. (b) [formerly §215(b)] generally expanding provisions formerly contained in subsec. (c) [former §215(c)] defining “financial institution”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 656, 984, 1005 of this title; title 12 sections 1785, 1829.

§ 21. Stolen or counterfeit nature of property for certain crimes defined

(a) Wherever in this title it is an element of an offense that—

(1) any property was embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated; and

(2) the defendant knew that the property was of such character;

such element may be established by proof that the defendant, after or as a result of an official representation as to the nature of the property, believed the property to be embezzled, robbed, stolen, converted, taken, altered, counterfeited, falsely made, forged, or obliterated.

(b) For purposes of this section, the term “official representation” means any representation made by a Federal law enforcement officer (as defined in section 115) or by another person at the direction or with the approval of such an officer.

(Added Pub. L. 103-322, title XXXII, §320910(a), Sept. 13, 1994, 108 Stat. 2127.)

§ 23.¹ Court of the United States defined

As used in this title, except where otherwise expressly provided² the term “court of the United States” includes the District Court of Guam, the District Court for the Northern Mariana Islands, and the District Court of the Virgin Islands.

(Added Pub. L. 103-322, title XXXII, §320914(a), Sept. 13, 1994, 108 Stat. 2128.)

¹ So in original. No section 22 has been enacted.

² So in original. Probably should be followed by a comma.

§ 24. Definitions relating to Federal health care offense

(a) As used in this title, the term “Federal health care offense” means a violation of, or a criminal conspiracy to violate—

(1) section 669, 1035, 1347, or 1518 of this title;

(2) section 287, 371, 664, 666, 1001, 1027, 1341, 1343, or 1954 of this title, if the violation or conspiracy relates to a health care benefit program.

(b) As used in this title, the term “health care benefit program” means any public or private plan or contract, affecting commerce, under which any medical benefit, item, or service is provided to any individual, and includes any individual or entity who is providing a medical benefit, item, or service for which payment may be made under the plan or contract.

(Added Pub. L. 104-191, title II, §241(a), Aug. 21, 1996, 110 Stat. 2016.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 669, 1035 of this title; title 42 section 1395i.

CHAPTER 2—AIRCRAFT AND MOTOR VEHICLES

Sec.	Definitions.
31.	
32.	Destruction of aircraft or aircraft facilities.
33.	Destruction of motor vehicles or motor vehicle facilities.
34.	Penalty when death results.
35.	Imparting or conveying false information.
36.	Drive-by shooting.
37.	Violence at international airports.
38.	Fraud involving aircraft or space vehicle parts in interstate or foreign commerce.

AMENDMENTS

2000—Pub. L. 106-181, title V, §506(c)(2)(A), Apr. 5, 2000, 114 Stat. 139, added item 38.

1994—Pub. L. 103-322, title VI, §§60008(c), 60021(b), Sept. 13, 1994, 108 Stat. 1972, 1980, added items 36 and 37.

§ 31. Definitions

(a) DEFINITIONS.—In this chapter, the following definitions apply:

(1) AIRCRAFT.—The term “aircraft” means a civil, military, or public contrivance invented, used, or designed to navigate, fly, or travel in the air.

(2) AVIATION QUALITY.—The term “aviation quality”, with respect to a part of an aircraft or space vehicle, means the quality of having been manufactured, constructed, produced, maintained, repaired, overhauled, rebuilt, reconditioned, or restored in conformity with applicable standards specified by law (including applicable regulations).

(3) DESTRUCTIVE SUBSTANCE.—The term “destructive substance” means an explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature.

(4) IN FLIGHT.—The term “in flight” means—

(A) any time from the moment at which all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation; and

(B) in the case of a forced landing, until competent authorities take over the responsibility for the aircraft and the persons and property on board.

(5) IN SERVICE.—The term “in service” means—

(A) any time from the beginning of pre-flight preparation of an aircraft by ground personnel or by the crew for a specific flight until 24 hours after any landing; and

(B) in any event includes the entire period during which the aircraft is in flight.

(6) MOTOR VEHICLE.—The term “motor vehicle” means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo.

(7) PART.—The term “part” means a frame, assembly, component, appliance, engine, propeller, material, part, spare part, piece, section, or related integral or auxiliary equipment.

(8) SPACE VEHICLE.—The term “space vehicle” means a man-made device, either manned or unmanned, designed for operation beyond the Earth’s atmosphere.

(9) STATE.—The term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(10) USED FOR COMMERCIAL PURPOSES.—The term “used for commercial purposes” means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit.

(b) TERMS DEFINED IN OTHER LAW.—In this chapter, the terms “aircraft engine”, “air navigation facility”, “appliance”, “civil aircraft”, “foreign air commerce”, “interstate air commerce”, “landing area”, “overseas air commerce”, “propeller”, “spare part”, and “special aircraft jurisdiction of the United States” have the meanings given those terms in sections 40102(a) and 46501 of title 49.

(Added July 14, 1956, ch. 595, § 1, 70 Stat. 538; amended Pub. L. 98-473, title II, §§1010, 2013(a), Oct. 12, 1984, 98 Stat. 2141, 2187; Pub. L. 100-690, title VII, §7015, Nov. 18, 1988, 102 Stat. 4395; Pub. L. 103-272, §5(e)(1), July 5, 1994, 108 Stat. 1373; Pub. L. 106-181, title V, §506(b), Apr. 5, 2000, 114 Stat. 136.)

AMENDMENTS

2000—Pub. L. 106-181 added subsecs. (a) and (b) and struck out former text which read as follows: “When used in this chapter the term—

“‘Aircraft engine’, ‘air navigation facility’, ‘appliance’, ‘civil aircraft’, ‘foreign air commerce’, ‘interstate air commerce’, ‘landing area’, ‘overseas air commerce’, ‘propeller’, ‘spare part’ and ‘special aircraft jurisdiction of the United States’ shall have the meaning ascribed to those terms in sections 40102(a) and 46501 of title 49.

“‘Motor vehicle’ means every description of carriage or other contrivance propelled or drawn by mechanical power and used for commercial purposes on the highways in the transportation of passengers, passengers and property, or property or cargo;

“‘Destructive substance’ means any explosive substance, flammable material, infernal machine, or other chemical, mechanical, or radioactive device or matter of a combustible, contaminative, corrosive, or explosive nature;

“‘Used for commercial purposes’ means the carriage of persons or property for any fare, fee, rate, charge or other consideration, or directly or indirectly in connection with any business, or other undertaking intended for profit;

“‘In flight’ means any time from the moment all the external doors of an aircraft are closed following embarkation until the moment when any such door is opened for disembarkation. In the case of a forced landing the flight shall be deemed to continue until competent authorities take over the responsibility for the aircraft and the persons and property on board; and

“‘In service’ means any time from the beginning of preflight preparation of the aircraft by ground personnel or by the crew for a specific flight until twenty-four hours after any landing; the period of service shall, in any event, extend for the entire period during which the aircraft is in flight.”

1994—Pub. L. 103-272 substituted “sections 40102(a) and 46501 of title 49” for “the Federal Aviation Act of 1958, as amended” in par. beginning with definition of “Aircraft engine”.

1988—Pub. L. 100-690 substituted “door is opened” for “door in opened” in definition of “in flight”.

1984—Pub. L. 98-473, §2013(a)(1), in first par. struck out “and” before “spare part”, inserted “and ‘special aircraft jurisdiction of the United States’”, and substituted “Federal Aviation Act of 1958” for “Civil Aeronautics Act of 1938”.

Pub. L. 98-473, §1010, substituted “passengers and property, or property or cargo” for “or passengers and property” in definition of motor vehicle.

Pub. L. 98-473, §2013(a)(2)–(4), inserted definitions of “in flight” and “in service”.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-181 applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as a note under section 106 of Title 49, Transportation.

EFFECTIVE DATE OF 1984 AMENDMENT

Section 2015 of part B (§§2011–2015) of chapter XX of title II of Pub. L. 98-473 provided that: “This part [see Short Title of 1984 Amendment note below] shall become effective on the date of the enactment of this joint resolution [Oct. 12, 1984].”

SHORT TITLE OF 2000 AMENDMENT

Pub. L. 106-181, title V, §506(a), Apr. 5, 2000, 114 Stat. 136, provided that: “This section [enacting section 38 of this title and amending this section and section 2516 of this title] may be cited as the ‘Aircraft Safety Act of 2000’.”

SHORT TITLE OF 1984 AMENDMENT

Section 2011 of part B (§§2011–2015) of chapter XX of title II of Pub. L. 98-473 provided that: “This part [amending this section, section 32 of this title, and sections 1301, 1471, and 1472 of former Title 49, Transportation, and enacting provisions set out as notes under this section] may be cited as the ‘Aircraft Sabotage Act’.”

STATEMENT OF FINDINGS AND PURPOSE FOR 1984 AMENDMENT

Section 2012 of part B (§§2011–2015) of chapter XX of title II of Pub. L. 98-473 provided that: “The Congress hereby finds that—

“(1) the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation (ratified by the United States on November 1, 1972) requires each contracting State to establish its jurisdiction over certain offenses affecting the safety of civil aviation;

“(2) such offenses place innocent lives in jeopardy, endanger national security, affect domestic tranquility, gravely affect interstate and foreign commerce, and are offenses against the law of nations; and

“(3) the purpose of this subtitle [part, see Short Title of 1984 Amendment note above] is to implement fully the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation and to expand the protection accorded to aircraft and related facilities.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 1993 of this title.

§ 32. Destruction of aircraft or aircraft facilities

(a) Whoever willfully—

(1) sets fire to, damages, destroys, disables, or wrecks any aircraft in the special aircraft jurisdiction of the United States or any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce;

(2) places or causes to be placed a destructive device or substance in, upon, or in proximity to, or otherwise makes or causes to be made unworkable or unusable or hazardous to work or use, any such aircraft, or any part or other materials used or intended to be used in connection with the operation of such aircraft, if such placing or causing to be placed or such making or causing to be made is likely to endanger the safety of any such aircraft;

(3) sets fire to, damages, destroys, or disables any air navigation facility, or interferes by force or violence with the operation of such facility, if such fire, damaging, destroying, disabling, or interfering is likely to endanger the safety of any such aircraft in flight;

(4) with the intent to damage, destroy, or disable any such aircraft, sets fire to, damages, destroys, or disables or places a destructive device or substance in, upon, or in proximity to, any appliance or structure, ramp, landing area, property, machine, or apparatus, or any facility or other material used, or intended to be used, in connection with the operation, maintenance, loading, unloading or storage of any such aircraft or any cargo carried or intended to be carried on any such aircraft;

(5) performs an act of violence against or incapacitates any individual on any such aircraft, if such act of violence or incapacitation is likely to endanger the safety of such aircraft;

(6) communicates information, knowing the information to be false and under circumstances in which such information may reasonably be believed, thereby endangering the safety of any such aircraft in flight; or

(7) attempts or conspires to do anything prohibited under paragraphs (1) through (6) of this subsection;

shall be fined under this title or imprisoned not more than twenty years or both.

(b) Whoever willfully—

(1) performs an act of violence against any individual on board any civil aircraft registered in a country other than the United States while such aircraft is in flight, if such act is likely to endanger the safety of that aircraft;

(2) destroys a civil aircraft registered in a country other than the United States while such aircraft is in service or causes damage to such an aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft's safety in flight;

(3) places or causes to be placed on a civil aircraft registered in a country other than the United States while such aircraft is in service, a device or substance which is likely to destroy that aircraft, or to cause damage to that aircraft which renders that aircraft incapable of flight or which is likely to endanger that aircraft's safety in flight; or

(4) attempts or conspires to commit an offense described in paragraphs (1) through (3) of this subsection;

shall be fined under this title or imprisoned not more than twenty years, or both. There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term “national of the United States” has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.

(c) Whoever willfully imparts or conveys any threat to do an act which would violate any of paragraphs (1) through (5) of subsection (a) or any of paragraphs (1) through (3) of subsection (b) of this section, with an apparent determination and will to carry the threat into execution shall be fined under this title or imprisoned not more than five years, or both.

(Added July 14, 1956, ch. 595, § 1, 70 Stat. 539; amended Pub. L. 98-473, title II, § 2013(b), Oct. 12, 1984, 98 Stat. 2187; Pub. L. 100-690, title VII, § 7016, Nov. 18, 1988, 102 Stat. 4395; Pub. L. 103-322, title XXXIII, § 330016(1)(O), (S), Sept. 13, 1994, 108 Stat. 2148; Pub. L. 104-132, title VII, §§ 721(b), 723(a)(1), Apr. 24, 1996, 110 Stat. 1298, 1300.)

REFERENCES IN TEXT

Section 101(a)(22) of the Immigration and Nationality Act, referred to in subsec. (b), is classified to section 1101(a)(22) of Title 8, Aliens and Nationality.

AMENDMENTS

1996—Subsec. (a)(7). Pub. L. 104-132, § 723(a)(1), inserted “or conspires” after “attempts”.

Subsec. (b). Pub. L. 104-132, § 721(b), in closing provisions, struck out “, if the offender is later found in the United States,” before “be fined under this title” and inserted at end “There is jurisdiction over an offense under this subsection if a national of the United States was on board, or would have been on board, the aircraft; an offender is a national of the United States; or an offender is afterwards found in the United States. For purposes of this subsection, the term ‘national of the United States’ has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act.”

Subsec. (b)(4). Pub. L. 104-132, § 723(a)(1), inserted “or conspires” after “attempts”.

1994—Subsecs. (a), (b). Pub. L. 103-322, § 330016(1)(S), substituted “fined under this title” for “fined not more than \$100,000” in concluding provisions.

Subsec. (c). Pub. L. 103-322, § 330016(1)(O), substituted “fined under this title” for “fined not more than \$25,000”.

1988—Subsec. (a)(3). Pub. L. 100-690 substituted “interfering” for “intefering”.

1984—Pub. L. 98-473 amended section generally. Prior to amendment section read as follows:

“Whoever willfully sets fire to, damages, destroys, disables, or wrecks any civil aircraft used, operated, or employed in interstate, overseas, or foreign air commerce; or

“Whoever willfully sets fire to, damages, destroys, disables, or wrecks any aircraft engine, propeller, appliance, or spare part with intent to damage, destroy, disable, or wreck any such aircraft; or

“Whoever, with like intent, willfully places or causes to be placed any destructive substance in, upon, or in proximity to any such aircraft, or any aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material used or intended to be used in connection with the operation of any such aircraft, or any cargo carried or intended to be carried on any such aircraft, or otherwise makes or causes to be made any such aircraft, aircraft engine, propeller, appliance, spare part, fuel, lubricant, hydraulic fluid, or other material unworkable or unusable or hazardous to work or use; or

“Whoever, with like intent, willfully sets fire to, damages, destroys, disables, or wrecks, or places or causes to be placed any destructive substance in, upon, or in proximity to any shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus used or intended to be used in connection with the operation, loading, or unloading of any such aircraft or making any such aircraft ready for flight, or otherwise makes or causes to be made any such shop, supply, structure, station, depot, terminal, hangar, ramp, landing area, air-navigation facility or other facility, warehouse, property, machine, or apparatus unworkable or unusable or hazardous to work or use; or

“Whoever, with like intent, willfully incapacitates any member of the crew of any such aircraft; or

“Whoever willfully attempts to do any of the aforesaid acts or things—

“shall be fined not more than \$10,000 or imprisoned not more than twenty years, or both.”

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-473 effective Oct. 12, 1984, see section 2015 of Pub. L. 98-473, set out as a note under section 31 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1956, 2332b, 2339, 2339A, 2516, 3592, 5032 of this title; title 49 section 44936.

§ 33. Destruction of motor vehicles or motor vehicle facilities

(a) Whoever willfully, with intent to endanger the safety of any person on board or anyone who he believes will board the same, or with a reckless disregard for the safety of human life, damages, disables, destroys, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to, any motor vehicle which is used, operated, or employed in interstate or foreign commerce, or its cargo or material used or intended to be used in connection with its operation; or

Whoever willfully, with like intent, damages, disables, destroys, sets fire to, tampers with, or places or causes to be placed any explosive or other destructive substance in, upon, or in proximity to any garage, terminal, structure, supply, or facility used in the operation of, or in support of the operation of, motor vehicles engaged in interstate or foreign commerce or otherwise makes or causes such property to be made unworkable, unusable, or hazardous to work or use; or

Whoever, with like intent, willfully disables or incapacitates any driver or person employed in connection with the operation or maintenance of the motor vehicle, or in any way lessens the ability of such person to perform his duties as such; or

Whoever willfully attempts to do any of the aforesaid acts—

shall be fined under this title or imprisoned not more than twenty years, or both.

(b) Whoever is convicted of a violation of subsection (a) involving a motor vehicle that, at the time the violation occurred, carried high-level radioactive waste (as that term is defined in section 2(12) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(12))) or spent nuclear fuel (as that term is defined in section 2(23) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10101(23))), shall be fined under this title and imprisoned for any term of years not less than 30, or for life.

(Added July 14, 1956, ch. 595, § 1, 70 Stat. 540; amended Pub. L. 103-322, title XXXIII, § 330016(1)(L), Sept. 13, 1994, 108 Stat. 2147; Pub. L. 104-88, title IV, § 402(a), Dec. 29, 1995, 109 Stat. 955.)

AMENDMENTS

1995—Pub. L. 104-88 designated existing provisions as subsec. (a) and added subsec. (b).

1994—Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$10,000”.

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-88 effective Jan. 1, 1996, see section 2 of Pub. L. 104-88, set out as an Effective Date note under section 701 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2516, 3592 of this title.

§ 34. Penalty when death results

Whoever is convicted of any crime prohibited by this chapter, which has resulted in the death of any person, shall be subject also to the death penalty or to imprisonment for life.

(Added July 14, 1956, ch. 595, § 1, 70 Stat. 540; amended Pub. L. 103-322, title VI, § 60003(a)(1), Sept. 13, 1994, 108 Stat. 1968.)

AMENDMENTS

1994—Pub. L. 103-322 substituted “imprisonment for life.” for “imprisonment for life, if the jury shall in its discretion so direct, or, in the case of a plea of guilty, or a plea of not guilty where the defendant has waived a trial by jury, if the court in its discretion shall so order.”

§ 35. Imparting or conveying false information

(a) Whoever imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title shall be subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States.

(b) Whoever willfully and maliciously, or with reckless disregard for the safety of human life,

imparts or conveys or causes to be imparted or conveyed false information, knowing the information to be false, concerning an attempt or alleged attempt being made or to be made, to do any act which would be a crime prohibited by this chapter or chapter 97 or chapter 111 of this title—shall be fined under this title, or imprisoned not more than five years, or both.

(Added July 14, 1956, ch. 595, §1, 70 Stat. 540; amended Pub. L. 87-338, Oct. 3, 1961, 75 Stat. 751; Pub. L. 89-64, July 7, 1965, 79 Stat. 210; Pub. L. 103-322, title XXXIII, §330016(1)(K), Sept. 13, 1994, 108 Stat. 2147.)

AMENDMENTS

1994—Subsec. (b). Pub. L. 103-322 substituted “fined under this title” for “fined not more than \$5,000”.

1965—Subsec. (a). Pub. L. 89-64 substituted “subject to a civil penalty of not more than \$1,000 which shall be recoverable in a civil action brought in the name of the United States” for “fined not more than \$1,000, or imprisoned not more than one year, or both”.

1961—Pub. L. 87-338 designated existing provisions as subsec. (a), struck out “willfully” before “imparts or conveys”, and added subsec. (b).

§ 36. Drive-by shooting

(a) DEFINITION.—In this section, “major drug offense” means—

(1) a continuing criminal enterprise punishable under section 408(c) of the Controlled Substances Act (21 U.S.C. 848(c));

(2) a conspiracy to distribute controlled substances punishable under section 406 of the Controlled Substances Act (21 U.S.C. 846) section¹ 1013 of the Controlled Substances Import and Export Act (21 U.S.C. 963); or

(3) an offense involving major quantities of drugs and punishable under section 401(b)(1)(A) of the Controlled Substances Act (21 U.S.C. 841(b)(1)(A)) or section 1010(b)(1) of the Controlled Substances Import and Export Act (21 U.S.C. 960(b)(1)).

(b) OFFENSE AND PENALTIES.—(1) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of two or more persons and who, in the course of such conduct, causes grave risk to any human life shall be punished by a term of no more than 25 years, by fine under this title, or both.

(2) A person who, in furtherance or to escape detection of a major drug offense and with the intent to intimidate, harass, injure, or maim, fires a weapon into a group of 2 or more persons and who, in the course of such conduct, kills any person shall, if the killing—

(A) is a first degree murder (as defined in section 1111(a)), be punished by death or imprisonment for any term of years or for life, fined under this title, or both; or

(B) is a murder other than a first degree murder (as defined in section 1111(a)), be fined under this title, imprisoned for any term of years or for life, or both.

(Added Pub. L. 103-322, title VI, §60008(b), Sept. 13, 1994, 108 Stat. 1971; amended Pub. L. 104-294, title VI, §604(b)(30), Oct. 11, 1996, 110 Stat. 3508.)

¹ So in original. Probably should be preceded by “or”.

AMENDMENTS

1996—Subsec. (a)(1), (2). Pub. L. 104-294 substituted “408(c)” for “403(c)” in par. (1) and “Export” for “Export Control” in par. (2).

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-294 effective Sept. 13, 1994, see section 604(d) of Pub. L. 104-294, set out as a note under section 13 of this title.

SHORT TITLE

Section 60008(a) of Pub. L. 103-322 provided that: “This section [enacting this section] may be cited as the ‘Drive-By Shooting Prevention Act of 1994.’”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in title 42 section 3751.

§ 37. Violence at international airports

(a) OFFENSE.—A person who unlawfully and intentionally, using any device, substance, or weapon—

(1) performs an act of violence against a person at an airport serving international civil aviation that causes or is likely to cause serious bodily injury (as defined in section 1365 of this title) or death; or

(2) destroys or seriously damages the facilities of an airport serving international civil aviation or a civil aircraft not in service located thereon or disrupts the services of the airport,

if such an act endangers or is likely to endanger safety at that airport, or attempts or conspires to do such an act, shall be fined under this title, imprisoned not more than 20 years, or both; and if the death of any person results from conduct prohibited by this subsection, shall be punished by death or imprisoned for any term of years or for life.

(b) JURISDICTION.—There is jurisdiction over the prohibited activity in subsection (a) if—

(1) the prohibited activity takes place in the United States; or

(2) the prohibited activity takes place outside the United States and (A) the offender is later found in the United States; or (B) an offender or a victim is a national of the United States (as defined in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22))).

(c) BAR TO PROSECUTION.—It is a bar to Federal prosecution under subsection (a) for conduct that occurred within the United States that the conduct involved was during or in relation to a labor dispute, and such conduct is prohibited as a felony under the law of the State in which it was committed. For purposes of this section, the term “labor dispute” has the meaning set forth in section 2(c)¹ of the Norris-LaGuardia Act, as amended (29 U.S.C. 113(c)), and the term “State” means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

(Added Pub. L. 103-322, title VI, §60021(a), Sept. 13, 1994, 108 Stat. 1979; amended Pub. L. 104-132, title VII, §§721(g), 723(a)(1), Apr. 24, 1996, 110 Stat. 1299, 1300; Pub. L. 104-294, title VI, §§601(q), 607(o), Oct. 11, 1996, 110 Stat. 3502, 3512.)

¹ So in original. Probably should be section “13(c)”.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-132, § 723(a)(1), inserted “or conspires” after “attempts” in concluding provisions.

Subsec. (b)(2). Pub. L. 104-132, § 721(g), inserted subpar. (A) designation and added subpar. (B).

Subsec. (c). Pub. L. 104-294 inserted heading and inserted “, and the term ‘State’ means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States” before period at end.

EFFECTIVE DATE

Section 60021(c) of Pub. L. 103-322 provided that: “The amendment made by subsection (a) [enacting this section] shall take effect on the later of—

“(1) the date of enactment of this Act [Sept. 13, 1994]; or

“(2) the date on which the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971, has come into force and the United States has become a party to the Protocol.” [Protocol came into force and United States became a party to the Protocol Nov. 18, 1994, Treaty Doc. 100-19.]

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1956, 2332b, 2339A, 3592 of this title.

§ 38. Fraud involving aircraft or space vehicle parts in interstate or foreign commerce

(a) OFFENSES.—Whoever, in or affecting interstate or foreign commerce, knowingly and with the intent to defraud—

(1)(A) falsifies or conceals a material fact concerning any aircraft or space vehicle part;

(B) makes any materially fraudulent representation concerning any aircraft or space vehicle part; or

(C) makes or uses any materially false writing, entry, certification, document, record, data plate, label, or electronic communication concerning any aircraft or space vehicle part;

(2) exports from or imports or introduces into the United States, sells, trades, installs on or in any aircraft or space vehicle any aircraft or space vehicle part using or by means of a fraudulent representation, document, record, certification, depiction, data plate, label, or electronic communication; or

(3) attempts or conspires to commit an offense described in paragraph (1) or (2),

shall be punished as provided in subsection (b).

(b) PENALTIES.—The punishment for an offense under subsection (a) is as follows:

(1) AVIATION QUALITY.—If the offense relates to the aviation quality of a part and the part is installed in an aircraft or space vehicle, a fine of not more than \$500,000, imprisonment for not more than 15 years, or both.

(2) FAILURE TO OPERATE AS REPRESENTED.—If, by reason of the failure of the part to operate as represented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in serious bodily injury (as defined in section 1365), a fine of not more than \$1,000,000, imprisonment for not more than 20 years, or both.

(3) FAILURE RESULTING IN DEATH.—If, by reason of the failure of the part to operate as rep-

resented, the part to which the offense is related is the proximate cause of a malfunction or failure that results in the death of any person, a fine of not more than \$1,000,000, imprisonment for any term of years or life, or both.

(4) OTHER CIRCUMSTANCES.—In the case of an offense under subsection (a) not described in paragraph (1), (2), or (3) of this subsection, a fine under this title, imprisonment for not more than 10 years, or both.

(5) ORGANIZATIONS.—If the offense is committed by an organization, a fine of not more than—

(A) \$10,000,000 in the case of an offense described in paragraph (1) or (4); and

(B) \$20,000,000 in the case of an offense described in paragraph (2) or (3).

(c) CIVIL REMEDIES.—

(1) IN GENERAL.—The district courts of the United States shall have jurisdiction to prevent and restrain violations of this section by issuing appropriate orders, including—

(A) ordering a person (convicted of an offense under this section) to divest any interest, direct or indirect, in any enterprise used to commit or facilitate the commission of the offense, or to destroy, or to mutilate and sell as scrap, aircraft material or part inventories or stocks;

(B) imposing reasonable restrictions on the future activities or investments of any such person, including prohibiting engagement in the same type of endeavor as used to commit the offense; and

(C) ordering the dissolution or reorganization of any enterprise knowingly used to commit or facilitate the commission of an offense under this section making due provisions for the rights and interests of innocent persons.

(2) RESTRAINING ORDERS AND PROHIBITION.—Pending final determination of a proceeding brought under this section, the court may enter such restraining orders or prohibitions, or take such other actions (including the acceptance of satisfactory performance bonds) as the court deems proper.

(3) ESTOPPEL.—A final judgment rendered in favor of the United States in any criminal proceeding brought under this section shall stop the defendant from denying the essential allegations of the criminal offense in any subsequent civil proceeding brought by the United States.

(d) CRIMINAL FORFEITURE.—

(1) IN GENERAL.—The court, in imposing sentence on any person convicted of an offense under this section, shall order, in addition to any other sentence and irrespective of any provision of State law, that the person forfeit to the United States—

(A) any property constituting, or derived from, any proceeds that the person obtained, directly or indirectly, as a result of the offense; and

(B) any property used, or intended to be used in any manner, to commit or facilitate the commission of the offense, if the court in its discretion so determines, taking into consideration the nature, scope, and propo-

tionality of the use of the property on the offense.

(2) APPLICATION OF OTHER LAW.—The forfeiture of property under this section, including any seizure and disposition of the property, and any proceedings relating to the property, shall be governed by section 413 of the Comprehensive Drug Abuse and Prevention Act of 1970 (21 U.S.C. 853) (not including subsection (d) of that section).

(e) CONSTRUCTION WITH OTHER LAW.—This section does not preempt or displace any other remedy, civil or criminal, provided by Federal or State law for the fraudulent importation, sale, trade, installation, or introduction into commerce of an aircraft or space vehicle part.

(f) TERRITORIAL SCOPE.—This section also applies to conduct occurring outside the United States if—

(1) the offender is a natural person who is a citizen or permanent resident alien of the United States, or an organization organized under the laws of the United States or political subdivision thereof;

(2) the aircraft or spacecraft part as to which the violation relates was installed in an aircraft or space vehicle owned or operated at the time of the offense by a citizen or permanent resident alien of the United States, or by an organization thereof; or

(3) an act in furtherance of the offense was committed in the United States.

(Added Pub. L. 106-181, title V, § 506(c)(1), Apr. 5, 2000, 114 Stat. 137.)

EFFECTIVE DATE

Section applicable only to fiscal years beginning after Sept. 30, 1999, see section 3 of Pub. L. 106-181, set out as an Effective Date of 2000 Amendments note under section 106 of Title 49, Transportation.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2516 of this title.

CHAPTER 3—ANIMALS, BIRDS, FISH, AND PLANTS

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|-------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Sec.
41.
42.
43.
[44, 45].
46.
47.
48. | Hunting, fishing, trapping; disturbance or injury on wildlife refuges.
Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations.
Animal enterprise terrorism.
Repealed.
Transportation of water hyacinths.
Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes.
Depiction of animal cruelty. |
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HISTORICAL AND REVISION NOTES

The criminal provisions of the Migratory Bird Treaty Act, sections 703-711 of title 16, U.S.C., 1940 ed., Conservation, and the Migratory Bird Conservation Act, sections 715-715r of title 16, U.S.C., 1940 ed., Conservation, were considered for inclusion in this chapter. Since these provisions, except parts of sections 704-707 of said title 16, are so inextricably interwoven with the Migratory Bird Acts, it was found advisable to exclude them.

AMENDMENTS

1999—Pub. L. 106-152, § 1(b), Dec. 9, 1999, 113 Stat. 1732, added item 48.

1992—Pub. L. 102-346, § 2(b), Aug. 26, 1992, 106 Stat. 929, which directed the general amendment of item 43, was executed by adding item 43 to reflect the probable intent of Congress, because item 43 had been previously struck out by Pub. L. 101-647. See 1990 Amendment note below.

1990—Pub. L. 101-647, title XII, § 1206(b), title XXXV, § 3506, Nov. 29, 1990, 104 Stat. 4832, 4922, substituted "Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations" for "Importation of injurious animals and birds; permits; specimens for museums" in item 42, struck out item 43 "Transportation or importation in violation of state, national, or foreign laws", item 44 "Marking packages or containers", and item 45 "Capturing or killing carrier pigeons", and inserted "; pollution of watering holes" after "burros" in item 47.

1959—Pub. L. 86-234, § 1(b), Sept. 8, 1959, 73 Stat. 470, added item 47.

1956—Act Aug. 1, 1956, ch. 825, § 2(b), 70 Stat. 798, amended chapter heading to include reference to "Plants" and added item 46.

§ 41. Hunting, fishing, trapping; disturbance or injury on wildlife refuges

Whoever, except in compliance with rules and regulations promulgated by authority of law, hunts, traps, captures, willfully disturbs or kills any bird, fish, or wild animal of any kind whatever, or takes or destroys the eggs or nest of any such bird or fish, on any lands or waters which are set apart or reserved as sanctuaries, refuges or breeding grounds for such birds, fish, or animals under any law of the United States or willfully injures, molests, or destroys any property of the United States on any such lands or waters, shall be fined under this title or imprisoned not more than six months, or both.

(June 25, 1948, ch. 645, 62 Stat. 686; Pub. L. 103-322, title XXXIII, § 330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

HISTORICAL AND REVISION NOTES

Based on title 18, U.S.C., 1940 ed., § 145 and §§ 676, 682, 683, 685, 688, 689b, 692a, and 694a of title 16, U.S.C., 1940 ed., Conservation (Jan. 24, 1905, ch. 137, § 2, 33 Stat. 614; June 29, 1906, ch. 3593, § 2, 34 Stat. 607; Mar. 4, 1909, ch. 321, § 84, 35 Stat. 1104; Aug. 11, 1916, ch. 313, 39 Stat. 476; June 5, 1920, ch. 247, § 2, 41 Stat. 986; Apr. 15, 1924, ch. 108, 43 Stat. 98; Feb. 28, 1925, ch. 376, 43 Stat. 1091; July 3, 1926, ch. 744, § 6, 44 Stat. 821; July 3, 1926, ch. 776, § 3, 44 Stat. 889; June 28, 1930, ch. 709, § 2, 46 Stat. 828; Mar. 10, 1934, ch. 54, § 2, 48 Stat. 400; Reorg. Plan No. II, § 4(f), 4 F.R. 2731, 53 Stat. 1433).

This revised section condenses, consolidates, and simplifies similar provisions of sections 676, 682, 683, 685, 688, 689b, 692a, and 694a of title 16, U.S.C., 1940 ed., with section 145 of title 18, U.S.C., 1940 ed., with such changes of phraseology as make clear the intent of Congress to protect all wildlife within Federal sanctuaries, refuges, fish hatcheries, and breeding grounds. Irrelevant provisions of such sections in title 16 are to be retained in that title.

Because of the general nature of this consolidated section, no specific reference is made to rules and regulations issued by the Secretary of the Interior or any other personage, but only to rules and regulations "promulgated by authority of law".

The punishment provided by the sections consolidated varied from a fine not exceeding \$100 or imprisonment not exceeding 6 months, or both, in section 694a of title 16, U.S.C., 1940 ed., to a fine not exceeding \$1,000 or imprisonment not exceeding 1 year, or both, in sections 676, 685, and 688 of such title 16. The revised section adopts the punishment provisions of the other five sections.